

## REPORT - PLANNING COMMISSION MEETING

April 8, 2004

May 13, 2004

**Project Name and Number:** Mixed-use Development Criteria (PLN2004-00002)

**Applicant:** City of Fremont

**Proposal:** To consider a Zoning Text Amendment (ZTA) to establish criteria for mixed-use development in accordance with Program 15 of the City of Fremont's Housing Element. Program 15 states that the City is to review its existing policies for mixed-use developments and amend the requirements to encourage housing, especially affordable housing. To implement Program 15, the following changes are being proposed: (1) inclusion of mixed-use development review under a three pronged approach (i.e., Zoning Administrator, Planning Commission or City Council depending on the complexity of a proposed project) in the C-O Administrative Office District, C-N Neighborhood Commercial District, C-C Community Commercial District, C-B-D Central Business District, and C-T Thoroughfare Commercial District; (2) inclusion of principles and standards for mixed-use developments as a whole; and, (3) revisions to existing standards and criteria for mixed-use developments with respect to parking and planned districts.

**Recommended Action:** Recommend Zoning Text Amendment PLN2004-00002 to the City Council.

**Location:** City-wide

**Assessor Parcel Number(s):** N/A

**Area:** N/A

**Owner:** N/A

**Agent of Applicant:** N/A

**Consultant(s):** N/A

**Environmental Review:** A Negative Declaration has been prepared and circulated for the project.

**Existing General Plan:** Central Business District, Community Commercial Center, Neighborhood Commercial Center, Thoroughfare Commercial Center, and Office Commercial Center.

**Existing Zoning:** C-O Administrative Office District, C-N Neighborhood Commercial District, C-C Community Commercial District, C-B-D Central Business District, and C-T Thoroughfare Commercial District

**Existing Land Use:** N/A

**Public Hearing Notice:** Public hearing notification is applicable. A Display Ad and Public Hearing Notice were delivered to The Argus on March 22, 2004 to be published by March 25, 2004. Approximately 252 notices were mailed as a courtesy to interested parties on March 29, 2004. The item was subsequently continued from the April 8, 2004 Planning Commission hearing to the May 13, 2004 hearing (a "date certain"), for which new noticing is not required.

**Executive Summary:** After deliberations on April 8, 2004, the Planning Commission continued the Zoning Text Amendment (ZTA) to May 13<sup>th</sup> to allow staff to make requested changes to the draft ordinance. The changes involved formatting adjustments and the inclusion of additional language to the mixed-use criteria so that it would be easier to use.

The formatting adjustments involve the re-organization of the mixed-use criteria so that components relating to design guidelines (e.g., such as site planning, building design, open space, and parking design) are located in the beginning of the topic's subsection followed by development standards. Also, the various subsections have been identified as to whether or not it is considered a guideline versus a standard. Additional language was requested to be included so that the intent of the mixed-use criteria would be made clearer. As part of these changes requested by the Commission, staff is also recommending that two modifications be added. They are defining commercial street frontage and the clarification of building standards for existing structures and new structures which contain both residential and commercial uses. The Commission also requested the preparation of a separate document covering mixed-use development design guidelines.

**Changes to the ZTA:** Changes to the proposed language is summarized below. Analysis of the ZTA with the exception of these changes are outlined in the staff report for the April 8, 2004 Planning Commission Meeting. The April 8, 2004 report has been provided as an enclosure for this meeting.

- **Parking requirement:** Amended parking requirement for mixed-use developments to allow the inclusion of on-street parking located along the development's frontage to count towards the parking required for the commercial component. (See Section 17)
- **Mixed-use development criteria:** (See Section 19)
  - Development standard versus Design guidelines: The mixed-use criteria include both development standards and design guidelines. Development standards are considered required regulations, whereas design guidelines are considered a guiding principle. To clarify which criteria is a development standard versus a design guideline, each section had been identified accordingly, where appropriate.
  - Introductory paragraph: The Commission requested the inclusion of two sentences from the April 8, 2004 staff report in the pre-amble of the mixed-use criteria. The first sentence is in regards to the promotion of well-planned and suitable mixed-use developments. The second sentence states that the focus is to allow a more balanced mix of uses in a mixed-use development. The existing pre-amble already includes wording regarding the promotion of well-planned developments referred to in the first sentence. However, it does not currently include the information listed in the second sentence. Therefore, the pre-amble is being amended to include wording which will emphasize the intent that a mixed-use development should be well-designed and balanced.
  - Development Intensity:
    - FAR increase: Clarified the definition of higher quality of amenities for the justification of FAR (floor area ratio) increases to include a high level of architectural design, green buildings, day care centers, and roof gardens.
    - Residential: The criteria was revised by deleting the existing proposed formula with one which would allow as many units which can be accommodated provided that there is adequate parking on site to serve the needs of the residents. This method could potentially encourage a higher number of smaller units than the previous formula of one unit per one thousand square feet floor area since it is based on parking yield.
  - Building Criteria:
    - General: The maximum building height criteria was amended to require the building massing to step down to thirty feet to address the scale of adjacent developments. The previous language did not address stepping down building mass. This section was also amended to clarify that commercial district requirements would apply to all structures (i.e., existing, expansion of existing, or new structures) if the structures are mixed use or wholly commercial.
    - Residential: This subsection was amended to clarify that residential zoning requirements would apply only to new structures which are wholly residential when there are multiple buildings proposed in a mixed-use development.

- Design Criteria: Various sections of the Design Criteria were amended to incorporate the requested changes.
  - Overall Design: The intent of these changes is to clarify existing proposed language regarding the elements needed for the design of the development overall. They are as follows:
    - Amended Overall Design subsection with the deletion of language requiring continuity with existing structures. A concern was expressed that it may not be always be desirable to match existing structures or developments in architectural design or building scale. Removal of this language would allow flexibility in determining whether or not it would be appropriate to require a mixed-use project to correspond with its surrounding developments.
    - Replaced statement on non-homogeneous storefronts with a reference to visual interest without clutter. This change is to clarify the intent that visually interesting architectural features are important to distinguish one storefront from another.
    - Clarified development design transition to adjacent uses by including reference to building scale and architectural massing. This change is to insure that the mixed-use project will be sensitive to adjacent developments in respects to building scale and massing along the edges of its development so as not overshadow neighboring structures which may be shorter.
    - To clarify the amount of detailing needed to create a distinct look of a ground floor façade versus the upper stories in a multi-story structure, additional examples have been included. They are architectural details such as cornice lines, awnings, projections and window treatment and sizes.
    - A new criterion on build-to lines has been added to encourage placement of mixed-use and commercial buildings at the property line or other publicly accessible areas to create a more urban streetscape.
  - Pedestrian Oriented: Amended criteria for pedestrian-oriented design to correct the comfortable walking distance to be one-quarter (1/4) mile rather than one-eighth (1/8) mile and to change pedestrian amenity example from street tree well cut-outs to street tree grates as a more visually appealing landscape treatment. In addition, clarify that linked trips throughout the site should be provided via interconnected pedestrian promenades. To assure that streets are pedestrian-oriented, they should be designed with traffic calming elements such as bulb-outs.
  - Open Space and Public Spaces: The changes are to clarify the intent of Open Space and Public Space criteria regarding usability of open space year-round and the use for both passive and active uses. A new criterion was added to encourage the interconnection of open space. This criterion would be in keeping with the pedestrian oriented criteria regarding interconnected pedestrian promenades.
  - Commercial: The commercial design criteria has been amended to clarify the intent that commercial spaces must be designed to accommodate retail uses as well as other uses and providing a minimum of fifteen (15) feet floor to ceiling height.
  - Residential: A definition for commercial street frontage was added to this section to clarify where residential uses may locate. Commercial street frontage will be defined as the lot frontage adjacent to existing or future commercially developed parcels.
- Signs: The criterion for sign scale was amended to require signs to be scaled to address the needs of the pedestrian and vehicular traffic.
- On-site Parking: Surface parking criteria was amended to not exceed a maximum depth of 62 feet when located along commercial street frontage. A depth of 62 feet would allow for a two-way driveway aisle (i.e., 24 feet wide)

with parking on either side. A single standard parking space is 19 feet long. Restricting the depth of surface parking along commercial street frontage would ensure that surface parking is minimized.

- Evaluation Criteria – Findings (Parking): The finding on parking was amended to reflect the changes in the criteria regarding on-site parking and on-street parking.

**Comments received:** Since the Planning Commission's meeting on April 8<sup>th</sup>, staff has received comments from New United Motors Manufacturing, Inc. (NUMMI). NUMMI is in favor of the prohibition of mixed-use developments along Mission Boulevard and Auto Mall Parkway between I-880 and I-680. However, it is requesting that the prohibition be expanded to cover the area bounded by these transportation routes to prevent residential within this area stating that "existing transportation and environmental patterns already adversely impact this rectangular area. Any additional residential housing that would be built there could be a significant source of complaints in the future."

The proposed Zoning Text Amendment is intended to regulate mixed-use development in the commercial zoning districts. Within the area of concern (proposed Warm Springs specific plan area), there are no commercial designations except along the major transportation corridors. The proposed ZTA has appropriate language that restricts mixed-uses along the designated regional transportation corridors to provide opportunities for regional commercial activities. The area of concern incorporates the Warm Springs Specific Plan. The City's goal for the Warm Springs Specific Plan is to create a regulatory framework that ensures appropriate transit-oriented development takes place on surrounding lands and ultimately on the BART Station sites itself. The City Council authorized further study of development options ranging from high-density high-tech or offices, to a new transit-oriented mixed-use community. The goal is to create a package of land uses that maximizes the regional investment of BART, meets the goals of the City and its residents while capitalizing on regional dynamics and development trends. Currently, staff and planning consultants are evaluating four alternative land uses for the Warm Springs Specific Plan and to date no specific land use or design guidelines have been identified for the parcels within the specific plan boundaries. The proposed ZTA will not dictate the development within the Warm Springs Specific Plan area. However, to maintain internal consistency, certain standards from the proposed ZTA may be incorporated into the Warm Springs Specific Plan at a later date.

**General Plan Conformance:** The purpose of the proposed ZTA is to implement the following General Plan Goals, Objectives and Policies for mixed-use developments in the Zoning Code. Comments responding to General Plan conformity follow the General Plan statements.

- Chapter 3 Land Use:

- Policy LU 2.4 Allowed Uses (Central Business District – Citywide Commercial Land Use Policies):

- Mixed Use: A mix of residential and commercial uses may be allowed in the CBD designated area as a Planned District development. To concentrate and focus the CBD, it is expected that some areas currently designated for commercial use will be modified to permit mixed use or higher density residential use, depending on location. In the interim, before a design and development plan is prepared, a mixed use project on the periphery of the CBD may be permitted when such a project incorporates housing for below market rate households. Any such project must be a Planned Development. A wholly residential project shall not be permitted in the CBD designated area.

*[Comment: The proposed ZTA retains the existing provision for the C-B-D zoning district to require processing of mixed-use developments under a Planned District application.]*

- Policy LU 2.11 Allowed Uses (Community Commercial Center – Citywide Commercial Land Use Policies):

- Mixed Use: A mix of residential and commercial uses may be allowed in a CCC designated area; however, a wholly residential development is not allowed. Design and development plans recommended for the CCC districts should allow for mixed use development to foster vitality and pedestrian activity and promote Housing Element goals. In Historic Overlay Districts, single family residences may be associated with commercial uses in a mixed-use development.

*[Comment: The proposed ZTA retains the provision for the CCC districts to consider mixed-use developments under a planned district application and includes consideration under a Zoning Administrator Permit or a Conditional Use Permit.]*

- Policy LU 2.23 Allowed Uses (Neighborhood Commercial – Citywide Commercial Land Use Policies):
  - o Mixed Use: A mix of residential and neighborhood commercial uses may be allowed in a CN designated area; however, a wholly residential development is not allowed. Mixed use developments shall be permitted where the vitality and pedestrian activity of the commercial district is maintained.
    - Implementation 1: The zoning ordinance shall be modified where necessary to be in conformance with this policy.

*[Comment: The ZTA proposes the amendment of the C-N District to allow consideration of mixed-use developments under a Zoning Administrator Permit, Conditional Use Permit and Planned District.]*

- Policy LU 2.27 Allowed Uses (Thoroughfare Commercial – Citywide Commercial Land Use Policies):
  - o Mixed Use: A mix of residential and thoroughfare commercial uses may be allowed in a CT designated area; however, a wholly residential development is not allowed. Mixed use developments shall be permitted where the vitality of the commercial district is maintained.

*[Comment: The ZTA proposes the amendment of the C-T District to allow consideration of mixed-use developments under a Zoning Administrator Permit, Conditional Use Permit and Planned District.]*

- Policy LU 2.37 Allowed Uses (Office Commercial – Citywide Commercial Land Use Policies):
  - o Mixed Use: A mix of residential and office commercial uses may be allowed in a CO designated area; however, a wholly residential development is not allowed. Mixed use development may be permitted where the vitality of the commercial district is maintained.

*[Comment: The ZTA proposes the amendment of the C-O District to allow consideration of mixed-use developments under a Zoning Administrator Permit, Conditional Use Permit and Planned District.]*

- Housing Element 2001-2006 – Chapter 8 Housing Program Strategy 2001-2006:

- Implementation Program 15 Mixed Use Requirements:
  - o As discussed in the “Other Land Use Standards/Requirements” subsection of Chapter 4, the City will review its existing policies for mixed-use developments and will amend the requirements to encourage affordable housing. The review will include:
    - An analysis of the implications of the minimum 51% commercial floor space requirements on residential development in mixed-use projects as well as the affected area’s need for commercial space. The 51% requirement will be reduced where appropriate.
    - Evaluation of mixed use potential in other commercial districts in the City; including neighborhood commercial, office commercial and thoroughfare commercial districts, particularly those districts within redevelopment areas and along transit corridors.
    - Feasibility of increasing existing incentives (parking reductions, density bonuses, etc.) for affordable housing units in mixed-use developments.

- Evaluating other procedures (e.g. Conditional Use Permits) for approving smaller mixed-use developments in lieu of Planned District procedure.
- Development of residential standards for mixed-use projects that promote affordable housing.

*[Comment: The items listed in Program 15 resulted in the changes proposed under this ZTA. New criteria are being proposed which include: (1) standards for the development, including parking reductions; (2) alternatives, such as Zoning Administrator Permits or Conditional Use Permits, to Planned District process for reviewing mixed-use developments; (3) consideration of mixed-use developments in other commercial districts; (4) new criteria for determining development intensity, including reduction of the minimum 51% commercial floor space requirement.]*

**Planning Commission Meeting – April 8, 2004:** The Planning Commission adopted a motion (6-0-0-1) to continue consideration of PLN2004-00002 to May 13, 2004 to allow time for staff to make the suggested changes and bring the report back to the Planning Commission in final form. At the meeting, the Commission also expressed an interest in having a separate document on design guidelines for mixed-use development prepared.

**Environmental Analysis:** A finding is proposed that this project will not have a significant effect on the environment. The proposed project is an amendment of existing ordinance requirements for mixed-use developments located in the City of Fremont's Zoning Ordinance to bring it into conformance with the existing General Plan (Land Use and Housing Elements). No significant vegetation, wildlife, or natural resources will be displaced, destroyed, or removed by the proposed development. Future development subject to the proposed ordinance language will be required to comply with the City codes and policies, as well as with various county and state agency regulations. Review of these future projects will be required to undergo environmental review as required by CEQA.

**Response from Agencies and Organizations:** No comments have been received from any agency regarding this proposal. See section on Comments received, above, for response from NUMMI.

**Enclosures:** Revised Exhibit "A" (Zoning Text Amendment)  
 Initial Study and Draft Negative Declaration with accompanying Certificate of Fee Exemption  
 Planning Commission Minutes, dated April 8, 2004 (Informational)  
 Planning Commission Report and Exhibit "A" (Zoning Text Amendment), dated April 8, 2004 (Informational)

**Exhibits:** Revised Exhibit "A" Zoning Text Amendment

#### **Recommended Actions:**

1. Hold public hearing.
2. Recommend that the City Council find the Initial Study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend that the City Council approve draft Negative Declaration with accompanying Certificate of Fee Exemption and find it reflects the independent judgement of the City of Fremont.
4. Recommend that the City Council find that PLN2004-00002 is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Elements as enumerated within the staff report.
5. Recommend that the City Council find the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment PLN2004-00002 because the proposed text changes are needed to assure the development of high quality, appropriate mixed-use developments compatible with adjacent neighborhoods and to assist in the revitalization of existing commercial areas, in order to meet the needs identified by the City's Housing

Element, is not feasible without the modifications to associated portions of the Fremont Municipal Code, as shown in Exhibit "A".

6. Recommend PLN2004-00002 to the City Council in conformance with Revised Exhibit "A" (Zoning Text Amendment).
7. Recommend that the City Council direct staff to prepare mixed-use development design guidelines for review and approval.

**REVISED EXHIBIT "A"**  
**PLN2004-00002**  
**MIXED-USE DEVELOPMENTS**

Note: Under PROPOSED ORDINANCE, new language proposed to be added is underlined. Language proposed to be removed is ~~struck~~. Changes since the April 8, 2004 Planning Commission meeting will appear as double-underlined for new language to be added and ~~underline and double struck~~ for new language which was requested to be removed.

**Section 1:**

Article 1 (Definitions) of Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-2162.9.7 (Mixed-use development) which reads as follows:

**Sec. 8-2162.9.7. Mixed-use development.**

"Mixed-use development" shall mean a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial, residential and institutional. The uses may be located in the same building or in separate buildings. In no case shall a mixed-use development consist predominately of live/work units.

**Section 2:**

Section 8-2901.5(a) (Uses specifically prohibited) of Article 9 (C-O Administrative Office District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to read as follows:

(a) Residential, except as specifically provided herein under a mixed-use development<sup>1, 3 and 4</sup>.

**Section 3:**

Section 8-2903 (Conditional uses: Planning commission as reviewing agency) of Article 9 (C-O Administrative Office District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended include a new section 8-2903 (c) which reads as follows:

(c) Mixed-use developments<sup>1, 3, and 4</sup>, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

(d) ~~(e)~~ Any other use that the planning commission finds is similar in nature, function and operation to conditional uses allowed within the district.

**Section 4:**

Article 9 (C-O Administrative Office District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-2904(d) (Zoning administrator permitted uses) which reads as follows:

(d) Mixed-use developments<sup>1, 3, and 4</sup>, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.



## Section 5:

Article 9 (C-O Administrative Office District: planned district), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-2906(d) (Other required conditions) which reads as follows:

(d) Mixed-use developments<sup>1, 3, and 4</sup> may be considered under a planned district pursuant to the requirements set forth in Articles 18.1 and 21.3 of this chapter, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

## Section 6:

Article 10 (C-N Neighborhood Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-21003 (k) (Conditional uses: Planning commission as reviewing agency) which reads as follows:

(k) Mixed-use developments<sup>1, 3, and 4</sup>, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

(l) ~~(k)~~ Any other retail or service use which the planning commission finds is similar in nature, function and operation to conditional uses allowed within the district, subject to the provisions set forth in Article 25.2 of this chapter.

## Section 7:

Article 10 (C-N Neighborhood Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-21004(e) (Zoning administrator permitted uses) which reads as follows:

(e) Mixed-use developments<sup>1, 3, and 4</sup>, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

## Section 8:

Article 10 (C-N Neighborhood Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-21006(e) (Other required conditions) which reads as follows:

(e) Mixed-use developments<sup>1, 3, and 4</sup>, may be considered under a planned district pursuant to the requirements set forth in Articles 18.1 and 21.3 of this chapter, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.

- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

#### **Section 9:**

Article 11 (C-C Community Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-21103(bb) (Conditional uses: Planning commission as reviewing agency) which reads as follows:

(bb) Mixed-use developments<sup>1, 3, and 4</sup>, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

#### **Section 10:**

Article 11 (C-C Community Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-21103.1(t) (Zoning administrator permitted uses) which reads as follows:

(t) Mixed-use developments<sup>1, 3, and 4</sup>, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

#### **Section 11:**

Section 8-21105(e) (Other required conditions) of Article 11 (C-C Community Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to read as follows:

~~(e) Mixed use projects may be permitted within areas designated on the general plan as community commercial through the use of planned district process and pursuant to the requirements set forth in Article 18.1 of this chapter. Mixed-use developments<sup>1, 3, and 4</sup> may be considered under a planned district pursuant to the requirements set forth in Articles 18.1 and 21.3 of this chapter, except for the following:~~

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

#### **Section 12:**

Section 8-21206(e) (Other required conditions) of Article 12 (C-B-D Central Business District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to read as follows:

~~(e) Mixed use developments shall be subject to the filing of a planned district application and the requirement set forth therein in Article 18.1 of this chapter. Mixed-use developments<sup>1, 3, and 4</sup> may be considered under a planned district pursuant to the requirements set forth in Articles 18.1 and 21.3 of this chapter, except for uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.~~

### Section 13:

Article 13 (C-T Thoroughfare Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-21303(s) (Conditional use: Planning commission as reviewing agency) which reads as follows:

(s) Mixed-use developments<sup>1, 3, and 4</sup>, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

### Section 14:

Article 13 (C-T Thoroughfare Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-21304(m) (Zoning administrator permitted uses) which reads as follows:

(m) Mixed-use developments<sup>1, 3, and 4</sup>, except for the following:

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

### Section 15:

Article 13 (C-T Thoroughfare Commercial District), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new section 8-21306(e) (Other required conditions) which reads as follows:

(e) Mixed-use developments<sup>1, 3, and 4</sup>, may be considered under a planned district pursuant to the requirements set forth in Articles 18.1 and 21.3 of this chapter, except for the following

- (1) Areas proximate to State Route 84 and Ardenwood Boulevard; State Route 880 and Mowry Avenue, Thornton Avenue and Cushing Parkway; and, Auto Mall Parkway and Mission Boulevard between State Routes 880 and 680.
- (2) Uses which are listed as prohibited in Article 21.3 for mixed-use developments<sup>3</sup>.

### Section 16:

Section 8-21811(m) (Standards and requirements for P districts) of Article 18.1 (P Planned District: mixed use development), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to read as follows:

(m) *Mixed use development*<sup>1, 3 and 4</sup>. Mixed use developments, subject to the provisions set forth in Article 21.3 of this chapter, may consist of ~~separate commercial and residential buildings on the same parcel of land or compatible and residential use within the same structure. one or more parcels developed as a cohesive project and design with a blend of various compatible uses such as commercial, residential and institutional.~~

- ~~(1) *Community commercial centers (CCC):* Mixed-use developments combining commercial and residential land uses may be permitted, subject to the following requirements:~~
  - ~~a. Mixed use developments within the CCC district shall be processed with a planned district application, except as provided in Articles 11 and 12 for residences integral and accessory to a permitted or conditional use.~~

- ~~b. The primary land use within the mixed use development shall be retail and/or offices. Primary shall be defined as a minimum of fifty one percent of the total floor area of the development. Wholly residential developments shall not be permitted.~~
- ~~c. Mixed use developments should be located on the edge of the CCC district. Design and development plans should foster vitality and pedestrian activity within the CCC.~~
- ~~d. In Historic Overlay Districts, single family residences may be associated with commercial uses within the mixed use development.~~
- (1) (2) Central Business District: Mixed-use developments combining commercial and residential land uses may be permitted, subject to the following requirements:
  - a. Mixed use developments in the C-B-D shall be processed with a planned district application.
  - b. ~~Mixed use developments shall be located on the edge of the C-B-D. Mixed use developments shall be guided by the Central Business District Concept Plan.~~
  - c. Mixed use developments shall incorporate housing for low-income households in keeping with the requirements of the General Plan for mixed-use developments in the C-B-D.
  - d. ~~The primary land use within the mixed use development shall be retail and/or offices. Primary shall be defined as a minimum of fifty one percent of the total floor area of the development. Wholly residential developments shall not be permitted.~~
  - e. ~~Mixed use developments should be located on the edge of the C-B-D. Design and development plans should foster vitality and pedestrian activity within the C-B-D.~~

## Section 17:

Article 20 (Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new Section 8-22003(e) (Required parking spaces by type of use) which reads as follows:

- (d) Mixed-use developments<sup>1, 3, and 4</sup>. The base requirement for a mixed-use development shall comply with the residential and commercial parking standards set forth in this section. On-street parking located along the development's frontage (e.g., especially along retail frontage) may be counted towards the number of spaces required for the commercial component within the development. The number of parking spaces may be reduced if joint parking is approved based on the requirements of this section. However, in no case shall the combined required parking for the mixed-use development provide less than the minimum required for the residential use.
- (e) ~~(d)~~ *Compact cars*. Compact car spaces may substitute for 35 percent of the required parking spaces, provided that in residential developments, the compact car allowance may be applied to open parking spaces only. All compact car spaces shall be signed and readily identified.
- (f) ~~(e)~~ Other. The zoning administrator shall determine the required parking for uses not mentioned above, based on the requirements for similar uses.

## Section 18:

Article 20 (Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended Section 8-22007 (Mixed or joint use of parking spaces) which reads as follows:

- (a) Where there is a mixed-use development<sup>1, 3, and 4</sup> ~~or in the case of~~ mixed uses occurring on a single parcel under one ownership, if said mixed uses do not constitute a shopping center as defined under Article 1, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately as specified in this article, ~~and~~ ~~the off-street parking and loading spaces for one use shall not be considered as providing the required off-street parking and loading space for any other use unless the planning commission reviewing agency has authorized the joint use of parking facilities pursuant to this section.~~
- (b) The reviewing agency may authorize the joint use of parking facilities for uses or activities not located in shopping centers as defined under Article 1 if it finds the criteria listed below are met. The amount of parking spaces required

shall be based on the number of criteria met by the proposed project. In no case shall the parking requirements be reduced where, based on substantial evidence, there is insufficient off-street parking to meet the needs of the neighborhood.

- (1) The normal hours of operation of such uses or activities do not substantially coincide or overlap with each other; or,
- (2) The development is located near available on-street parking or other public parking areas; or,
- (3) Transit alternatives are available near the development; or,
- (4) For mixed-use developments<sup>1, 3 and 4</sup>, residential and commercial parking demand often occurs at different times of the day.

~~(c) (b) The planning commission may authorize the joint use of parking facilities for uses or activities not located in shopping centers as defined under Article 1 if it finds that the normal hours of operation of such uses or activities do not substantially coincide or overlap with each other. Joint use parking shall be subject to the following limitations and conditions:~~

- ~~(1) No more than fifty percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.~~
- ~~(2) The applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.~~
- ~~(3) The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the city attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the community development department planning division.~~

(d) Reviewing agency for mixed or joint use parking:

- (1) Mixed-use developments<sup>1, 3, and 4</sup>: The reviewing agency shall be in accordance with the reviewing agency specified in Article 21.3 for mixed-use developments.
- (2) All other uses: The reviewing agency for all other joint use parking arrangements shall be the planning commission.

## **Section 19:**

Article 21.3 (Special Provisions Applying to Miscellaneous Uses), Chapter 2 (Zoning), Title VIII (Planning and Zoning of the Fremont Municipal Code) is proposed to be amended to include a new Section 8-22148.7 (Mixed-use development) which reads as follows:

### Section 8-22148.7 Mixed-use development<sup>1, 3, and 4</sup>.

The purpose of this section is to encourage and promote well planned, suitable and appropriate mixed use developments with residential and commercial components within selected commercial districts ~~the C-O, C-N, C-C, C-T and C-B-D Districts~~. The focus is to allow a more balanced mix of uses in a mixed-use development. To provide for the diverse needs of the residents of the City and to allow developers the flexibility to accomplish such goals without sacrificing the existing image and character of the surrounding neighborhood. To encourage efficient land use by facilitating compact, high-intensity development and minimizing the amount of land needed for surface parking. And, to facilitate development (e.g., land use mix, density, and design) that supports public transit where applicable. A mixed-use development should be safe, comfortable and attractive to pedestrians, patrons and residents.

This section is organized by topic. Within each topic, development standards will be listed first followed by its corresponding design guidelines. In some instances, the topics may contain only development standards or design guidelines.

(a) **Uses:** To allow a mixture of complimentary land uses that includes retail, offices, commercial services, housing, and civic uses, to create economic and social vitality and to encourage the linking of trips as well as shortening trip distance between uses and services. And to dissuade those uses deemed incompatible with residential uses. The following regulations are intended to create and maintain developments with a compatible mix of residential and commercial uses. To insure compatibility between uses within the development and surrounding area, any use requiring a zoning administrator permit or a conditional use permit shall be reviewed as part of the proposed development. A broad range of uses are allowed: (i) to promote efficient use of land; (ii) to provide options for commercial opportunities; and, (iii) to promote the development of the affordable housing.

(1) **Uses – permitted:**

- a. Uses which are permitted within the commercial zoning district except for those uses listed in this subsection as prohibited.
- b. Residential.
- c. Live/work units<sup>1, 3, 4</sup>, subject to the requirements set forth in Article 21.3 of this chapter except as modified in this section.
- d. Home Occupations<sup>1, 3</sup>, accessory to a primary residential use. Business conducted within a residential unit where the commercial use is incidental and secondary to the primary residential use shall be subject to the requirements for Home Occupations pursuant to Article 21.3 of this chapter.

(2) **Uses - conditionally permitted.** Uses which are conditionally permitted within the commercial zoning district except for those uses listed in this subsection as prohibited.

(3) **Uses – prohibited:** Regardless of zoning designation, unless it is found that the use is compatible with the mixed-use development, the following uses shall be prohibited.

- a. Adult-oriented businesses<sup>1</sup>;
- b. Agriculture and commercial nurseries<sup>1, 2</sup>;
- c. Assisted living facilities or other medical care facilities<sup>2, 3</sup>;
- d. Astrology, palmistry and similar services<sup>1, 2</sup>;
- e. Commercial cleaning plant<sup>2</sup>;
- f. Boat, trailer, and vehicle (including parts) sales, service, storage and garages<sup>2</sup>;
- g. Camp and trailer parks<sup>2</sup>;
- h. Car wash<sup>2</sup>;
- i. Drive-in/drive-through restaurants<sup>2</sup>;
- j. Equipment rental and sales yard<sup>2</sup>;
- k. Firearm dealers and gunsmith shops<sup>1, 2, 3</sup>;
- l. Fuel dealers<sup>2</sup>;
- m. Hospitals<sup>2</sup>;
- n. Laundry, commercial plant<sup>2</sup>;
- o. Recycling center and Recyclable material collection facility<sup>1, 2, 3</sup>;
- p. Reverse vending machines<sup>1, 2, 3</sup>;
- q. Service station<sup>1</sup>;
- r. Uses involving hazardous materials or generate high level of noise incompatible with residential uses
- s. Uses specifically prohibited in the zoning district the development is located in.
- t. The Zoning Administrator may deem additional uses to be prohibited based on a finding that the use is similar in nature, function and operation to the prohibited uses listed in this subsection.

(b) **Development Intensity - Development standards.** The amount of development allowed in a mixed-use project is guided by the prevailing allowable floor area ratio (FAR) of the site's commercial zoning designation. FAR increases may be requested provided that the project can provide a higher quality of amenities such as with additional affordable housing units, a high level of architectural design, green buildings, day care centers, roof gardens, or helping to revitalize the surrounding neighborhood. All projects shall contain sufficient commercial square footage to assure that the overall nature and intent of the commercial zoning of the mixed-use development is maintained.

(1) **Overall development intensity:**

- a. Shall be determined by the overall FAR assigned to the commercial district zoning designation of the development as follows:

<u>Zoning District</u>	<u>FAR</u>
C-O	0.60
C-N	0.60
C-T	0.60
C-C	1.25
C-B-D	1.25
C-B-D located near BART	2.00

- b. An increase of the allowable FAR listed in this subsection may be considered if the project will provide two out of four of the following elements. Requests for increases of the overall FAR shall be subject to the requirements outlined in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of this chapter relating to increases in Floor Area Ratio (FAR):

- (1) High quality open space and/or other on-site amenities; or,
- (2) Providing increased benefit to the city (for example, such as additional affordable housing units over than that required for Inclusionary housing, a high level of architectural design, green buildings, day care centers, or roof gardens); or,
- (3) High potential to revitalize adjacent parcels with the development of this mixed use project; or,
- (4) Located within a quarter (1/4) mile to transit or off-site amenities (for example an array of commonly needed services used by residents, or public spaces such as parks).

- (2) **Commercial:** The following criterion establishes the minimum depth of a typical commercial space as well as the overall amount of commercial floor area to be developed as part of the mixed-use development. The floor area may be allocated throughout the planned commercial area based on the needs of the development. Likewise, the depth of a commercial space may vary depending on the type of uses desired for the space. A shorter depth may be proposed where an accommodation must be made for features such as stairways and entrances near a commercial space.

- a. Depth of space: The minimum depth of commercial space shall be predominantly fifty (50) feet.
- b. Minimum combined total floor area: The minimum amount of commercial floor area shall be calculated based on the length of the commercial street frontage of the parcel multiplied by thirty (30). The project may provide commercial floor area exceeding the amount outlined in this subsection. However, the total combined square footage of the development must comply with the allowable FAR specified for the mixed-use development, unless an increase in the FAR is approved.

*Example: A 2 acre parcel with an overall allowable FAR of . 0.60 has a commercial street frontage of 229 feet. Development as a totally commercial site would yield, 52,272 square feet of floor area. As a mixed-use development, the potential commercial area would be 30 times 229 (commercial street frontage) yielding 6,870 square feet of commercial floor space. The total commercial area is distributed along the commercial street frontage.*

- c. Total Floor Area proposed by development: The total amount of commercial square footage may include the areas designated for the following uses. However, only the area specified for wholly commercial use (i.e., uses listed paragraph (1) and (2) of this subsection) shall count towards the minimum amount of required commercial square footage.
- (1) Commercial.
  - (2) Area designated for commercial use within the Live/work units.
- d. Design of the commercial area shall be governed by Design Criteria of this section.

(3) **Residential:** The number of dwelling units per unit of acre is controlled to match the carrying capacity of the land. Also, the number of residential units shall correspond to the availability of public services and the support of commercial area within the development and surrounding neighborhood. Maximum number of units shall be calculated based on the following:

- a. The amount of floor area remaining from the allowable FAR after deducting the amount used for the commercial component; and,
- b. As many units which can be accommodated and where there is adequate parking to serve the needs of the residents.

~~a. Maximum number of residential units: Maximum number of units shall be calculated based on the following criteria: on one dwelling unit per one thousand (1,000) square feet of floor area remaining from the allowable FAR after deducting the amount used for the commercial component.~~

~~Example: A 2 acre parcel with an overall allowable FAR of 0.60 would result in a total overall floor area of 52,272 square feet. The commercial component of the site entails 6,870 square feet. This would leave a remainder of 45,402 square feet to be used for the residential component. Maximum number of units is determined by dividing 45,402 square feet by 1,000 square feet to yield 45.4 or 45 units.~~

(c) **Building criteria - Development standards:** The building criteria serve several purposes including encouraging new development to reflect the general building scale and its placement within an existing neighborhood; fostering a desirable pedestrian-oriented environment; promoting a reasonable physical relationship between uses while promoting options for privacy for neighboring properties; and allowing for architectural diversity.

(1) **General:** The following criteria shall apply to existing structures, expansions of existing structures, and new structures used wholly or partially for commercial use.

- a. Building standards (i.e., height and setbacks) shall be governed by the requirements of the commercial district designated for the mixed-use development, unless otherwise modified by this article.
- b. The maximum building height shall conform to the requirements of the commercial district on which it is located.

Exceptions: If the mixed-use development is located adjacent to residentially designated parcels and the maximum building height allowed for the commercial district exceeds that allowed for the adjacent residential district, the maximum building height shall be fifty-two (52) feet. For those areas of parcels within fifty (50) feet of any property with a general plan density designation of ten units per acre or less, the building massing shall step down to thirty (30) feet to address the scale of the adjacent development. ~~the maximum building height shall be thirty (30) feet.~~

(2) **Residential:** It is conceivable that the residential component of a mixed-use development may be located wholly within an existing commercial building or in an entirely new structure. And, it is recognized that development of an existing commercial site to a mixed-use development may necessitate the expansion of an existing commercial building. In keeping with the requirements for the existing commercial structure, the existing structure or its expansion shall be subject to the building standards of the commercial zoning designation for the mixed-use development. However, it should not be construed that use of an existing building or its expansion, exempts the development from the inclusion of amenities required for a typical residential use. In no case shall the use or expansion of an existing structure exempt the proposed development from fulfilling the open space requirements outlined in this section.

- a. Use of existing structures: When the residential component of the mixed-use development is contained wholly within an existing structure, it shall conform to the building design and setback standards set forth in the commercial district designated for the project site.



- b. Expansion of an existing structure: Expansion of an existing structure where the structure conforms to the building design and setback standards of the site's commercial district shall be governed by the requirements of that commercial district.
  - c. New residential structures: Where a new structure is entirely residential, building standards shall be governed by the standards of the residential zoning most similar in nature and function to the proposed residential portion of the mixed-use development, except otherwise modified by this article.
  - d. Open space: Open Space shall be required regardless if the residential use is located in an existing, expanded, or new structure.
    - (1) The amount of open space shall be governed by the standards of the residential zoning most similar in nature and function to the proposed residential portion of the mixed-use development. However, the amount may be reduced based on the anticipated needs of the future tenants and the quality, usefulness and/or amenities within the spaces provided.
    - (2) On-site open space may include, but is not limited to, pedestrian walkways, plaza areas, landscape areas, roof gardens, terraces, and other creative spaces which may be used either visually, actively, or passively by the residents within the development.
    - (3) Public open space such as parks, plazas, public recreational facilities and other similar facilities located within one-quarter (1/4) mile may be counted towards the open space requirement for the mixed-use development.
    - (4) Open space design shall comply with the design criteria outlined in this section.
- (d) Design Criteria: The City has an interest in creating desirable residential areas, while protecting and promoting commercial opportunities. The criteria listed below provide guidance to property owners and developers. It also provides assurance to neighbors that the combination of residential and commercial uses within a single development will create an aesthetically pleasing and livable environment.
- (1) Overall Design – Design guidelines: Community acceptance of mixed-use development may require that the design reflects the context of its surroundings or create its own distinct look and identity. This does not mean that it needs to copy or mirror the architectural style of the surrounding buildings but should be of comparable scale and level of design detail. Key elements to consider are: existing architectural character of the neighborhood/district; continuity of building scale and architectural massing; transition to adjacent developments the building sizes; treatment of the street-level and upper-level architectural detailing; roof forms; rhythm of windows and doors; and, relationship of buildings to public spaces such as streets, plazas, other open space, and public parking, including the following:
- ~~a. Design of the development should be in keeping with the commercial district where the development is located.~~
  - a. There should be a cohesive Design scheme with visual interest without clutter throughout the development. However, the design of the storefront shall not be so homogeneous where it would be difficult to distinguish one use from another.
  - b. The development should provide Building scale and architectural massing to incorporate elements for a reasonable transition between to adjacent existing (or future) developments and the proposed project residential and commercial uses.
  - c. Where there are multiple buildings in a mixed-use development, the structures should be of varying heights to create visual interest from the street. The ground level façade for a multi-level structure should have a distinct look from the façade of the floor levels above (e.g., using different architectural elements, such as building material or trim accent, lighting, cornice lines, awnings, projections, window treatments and sizes, and/or paint colors).
  - d. The vertical plane of the building façade shall be broken up with a high level of articulation (e.g., projecting entry or window features, and/or recessed elements, transparent storefronts, identifiable retail spaces and, awning/entrance canopies) especially at ground level.

- e. Build to line. To define the street frontage and pedestrian areas; mixed-use and commercial buildings shall generally be built to property lines (back of sidewalk) or other publicly accessible area.

(2) Design for Security – Design guidelines. To encourage the use of design to minimize opportunities for crime and to increase public safety.

- a. Building entrances, parking areas, private and public open spaces, and pathways should be accentuated with appropriate features such as landscaping, pavement treatment, art and signs which draws attention to the area. Such features should be placed or designed in such a manner that the view into the area is not obscured.
- b. The proposed layout, building, and landscape design should promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except where necessary for buffering between commercial uses and lower density residential, to the extent practicable.
- c. The proposed site layout and building design should encourage activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining.
- d. The development should control access wherever possible by properly siting and designing entrances and exits (i.e., clear view from the store) and through the appropriate use of lighting, signs and/or other features.

(3) Pedestrian-oriented – Design Guidelines: To encourage buildings to be designed to a human scale for pedestrian access, safety and comfort. To promote a design which would provide direct and safe access between the site and adjacent land uses that is convenient and pleasant for the pedestrian.

- a. The site layout should cluster buildings on the site to promote linked trips via interconnected pedestrian promenades (such that a pedestrian need not cross more than 64 lineal feet of parking or driveway area, or one double loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities), whichever is less, between buildings;
- b. The development should be designed to be well integrated with adjacent land uses. “Integrated” means that uses are within a comfortable walking distance (i.e., 1/4 ~~1/8~~ mile radius) and are connected to each other with direct, convenient and attractive sidewalks and/or pathways;
- c. The development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate amenities (e.g., attractive sidewalks and benches).
- d. The development should incorporate the following criteria listed below.
  - (1) The building(s) have at least one primary entrance facing a street, or is directly accessed by a sidewalk or plaza within twenty (20) feet of the primary entrance.
  - (2) Main building entrances open directly to the outside.
  - (3) Every building has at least one entrance that does not require passage through a parking lot or garage to gain access.
  - (4) Corner buildings have corner entrances whenever possible
  - (5) Windows or window displays are provided along at least thirty (30) percent of the building’s façade particularly in the commercial portion.
  - (6) Where street connections are not practicable, pedestrian connections may be made to and through the development in lieu of planned street connections. Pedestrian connections should equal what would be available if they were on the street (i.e., distinct from vehicle lane, shade by day and light by night, connects to a destination that attracts pedestrian activity, etc.).

- (7) Pedestrian facilities connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.
- (8) Sidewalks and/or plazas are provided with weather protection (e.g., awnings/canopies) and appropriate pedestrian amenities (e.g., street tree grates ~~well cut-outs~~, outdoor seating, bus waiting areas, trash cans, mail boxes, sidewalk displays, public art, etc.).
- (9) Streets should be designed with traffic calming elements such as bulb-outs and mid-block crossings where appropriate.

(4) Open Space and Public Spaces – Design guidelines: The purpose of open space is to provide areas for passive and active social interaction. Areas which are accessible to the passing public are considered public spaces and are just as important to a development as those accessible only to the residents of the site. In addition, the open space areas should be surrounded by attractively designed building and landscaping elements as well as uses that effectively shape and energize the open space so as to create a focal point for activity. The quality of the open space area is considered to be of utmost importance. Therefore, the location and design of open space is critical to ensure that it is useable year-round.

a. As a whole, open space should satisfy the following criteria:

- (1) Provide areas for informal meetings and social interaction with other people; or, for passive and active uses as appropriate ~~quiet contemplation~~.
- (2) Public spaces shall be accessible to residents.
- (3) Provide a strong image and sense of place.
- (4) Be a part of the pedestrian linkage throughout the development and adjacent land uses.
- (5) Provide an overall theme and visual connection between spaces and uses within the development.
- (6) Include areas of various shapes, sizes and configurations are included throughout the development.
- (7) Be designed or located to ensure that it is useable year-round ~~where a variety of micro-climates can be provided (i.e., shady areas on hot days, sunny areas on cold days, etc.) to assure the year round use of outdoor open space areas~~. Provide areas which have awnings, wind breaks, sun shade and/or landscaping that would provide shelter from the elements.
- (8) Create a pleasant pedestrian environment.
- (9) Should be an interconnected open-space system.

b. Where applicable, criteria related to security and pedestrian-oriented design is critical ~~should be incorporated~~.

c. Open space may include, but is not limited to, outdoor areas like plazas, outdoor dining areas, rooftop gardens, and landscaped areas designed for active or passive use.

d. Active open space should be located or designed in such a manner that noise or activity does not unduly impact the residents of the mixed-use development or nearby residential developments.

e. Public spaces:

- (1) The area should be clearly recognizable as “public” (e.g., a plaza within view of a street or other public space), publicly accessible (i.e., a pedestrian accessible), and can be occupied by people ~~a person~~ (i.e., a person can stand or sit in the area).
- (2) Encouraged to be located adjacent to the commercial component of the development that can be converted for joint use with outdoor dining and pedestrian access. However, when used in conjunction with an outdoor dining area, the area shall be designed in such a manner that pedestrian access is not being impeded or hindered. The minimum dimension for clear pedestrian access should be eight (8) feet.
- (3) Where possible, larger public spaces should be located near the main pedestrian access to the development.

(5) Landscaping – Design guidelines. The purpose of landscaping is to enhance pedestrian and open space areas, to help delineate active areas from passive areas, to provide a screening buffer between pedestrians and vehicular circulation and adjacent developments. Landscaping should include the following elements:

a. Be pedestrian oriented.

- b. Designed in such a way to not create a security or physical hazard to pedestrians or motorists.
- c. Enhance or complement the architectural design of the mixed-use development.
- d. Provide visual interest year-round.
- e. Utilize water conservation methods and drought tolerant planting where possible.
- f. Should be provided between parking lots and all adjacent sidewalks.

(6) Commercial – Design guidelines: When positioning commercial uses, issues such as access and entrances, address, identity and visibility, security, marketability, and connections to other uses should be taken into account. Retail space should be located centrally and designed with adequate access from all internal uses. It should be located near major pedestrian access where the access passes through the retail area on the way to other destinations. Proximity to existing commercial uses located on adjacent parcels is important because it maintains continuity of commercial ~~extends the commercial community to the~~ development. Furthermore, the commercial area should include a street-front retail that promotes an active pedestrian area to draw the attention of the passing public ~~into the development~~. In addition, to accommodate the needs of an ever-changing market, the commercial area should be designed to allow easy conversion from one commercial use to another. The commercial area of the mixed-use development shall include the following elements:

- a. Store-front windows that provide transparency to the building at the pedestrian level.
- b. Visual interest which can draw the attention of the passing public.
- c. A prominent location relative to the existing commercial uses located in the surrounding area in order to provide a continuity of the commercial presence in the community.
- d. Orientation towards the street and major pedestrian or plaza areas.
- e. Locate retail commercial uses relying heavily on passing foot traffic such as retail uses at ground level, with less active uses (i.e., office uses) located above ground level.
- f. Provide direct and visible ~~prominent~~ access noticeable from the street to uses located above ground level ~~is encouraged~~ in order to highlight their location.
- g. A strong commercial presence along the site's street frontage where there is an identifiable commercial area adjacent to the development which needs to be preserved, encouraged and/or maintained.
- h. Built-in flexibility so as to allow conversion from one commercial use to another and to ensure that the commercial space is adequate for retail is also adequate for a variety of other uses . Elements such as the following should be in place:
  - (1) Adequate ventilation and mechanical equipment to allow conversion to a variety of uses, such as a retail store or eating establishment.
  - (2) Minimum of fifteen (15) feet floor to ceiling heights on the ground floor.
  - (3) The depth of commercial tenant spaces should be predominantly fifty (50) feet.
- i. In addition, food and drink establishments are encouraged to be located near public open space areas to in order accommodate potential out-door dining areas for these uses.

(7) Residential – Design guidelines: Residential uses may be located in a separate building or in mixed configurations with commercial uses in the same structure. Factors such as privacy, security, amenities, and views are very important. To provide adequate privacy and security, residential entrances can be placed in the quieter areas away from the main commercial portions. Access to open space areas, either public or private, is

important. Likewise, interesting views of the adjacent neighborhood can be equally valuable. Commercial street frontage shall be defined as lot frontage adjacent to existing (or future) commercially developed parcels.

- a. Residential uses may be located in a separate building or in mixed configuration with commercial in the same structure. When in a mixed configuration, residential uses should be located on the upper stories; or, on ground floors when they do not use storefront space. In no case shall residential uses be located on the ground floor of a building located on commercial street frontage.
- b. Access to the residential use should be clearly delineated.
- d. Units of various sizes (e.g., studios, one and two bedroom units) are encouraged.

(8) Live/work units<sup>1, 3</sup> - Development standards: Occupancy and operation of a business in a live/work unit is outlined in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of this chapter. Since the live/work unit is a business location, its use may be similar to general commercial use. The needs of the resident occupying such a unit should also be a concern because the unit is part residential. Live/work units should incorporate the following criteria:

- a. Maintained indefinitely as live/work units.
- b. May be converted to an all commercial use, with the review and approval of the Zoning Administrator.
- c. May constitute all or part of the residential percentage of the mixed-use development. However, in no case shall a mixed-use development consist predominately of live/work units.
- d. Shall be located near the commercial portion of the mixed-use development.
- e. Live/work units shall not be located on a primarily existing commercial street frontage.
- f. Subject to the provisions in Article 21.3 (Special Provisions Applying to Miscellaneous Uses) of this chapter relating to live/work units.

(e) **Signs – Design guidelines:** The purpose of signs is to provide orienting clues and establish project identity. Consistent signs for orientation, direction, and tenant identity placed throughout the development are encouraged. Signs should enhance the users' experiences, helping them find their way and providing them with a positive image of the development. Prominent tenant signage is critical to marketing the development and in attracting visitors.

- (1) Signage for the mixed-use development shall require a Planned Sign Program under Article 21 Sign Regulations.
- (2) Where appropriate, signage should be placed at entrances and other strategic locations to ensure that visitors understand the scope of the development and are not discouraged or confused.
- (3) Signage should be scaled to address the needs of the pedestrians and vehicular traffic ~~provide separate messages for drivers versus pedestrians.~~

(f) **On-site Parking areas:** Whenever feasible, parking shall comply with the following criteria:

- (1) Development standards:
  - a. Parking area shall be located where residents and businesses have easy access to parking. However, the parking area should not be located in such a manner that it dominates street frontage.
  - b. Surface parking should be oriented behind or to the side of a building when possible and shall not exceed a maximum depth of sixty-two (62) feet (e.g., two-way aisle with parking on both sides) not counting required landscaping.

- c. Parking shall not be located on street corners.
- d. Parking requirements shall be governed by the provisions set forth in Article 20 of this chapter except as modified by this section.

(2) Design guidelines:

- a. Joint use parking. Where parking demands peak during different times of the day, parking should be shared. Parking should be developed as joint use parking areas under the provisions outlined in Article 20 (Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts) of Chapter 2 Zoning.
- b. Parking and vehicle drives should be located away from building entrances and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
- c. Surface parking should not be located on commercial street frontage. However, if surface parking is proposed on street frontage, it must be screened from view.

(g) Evaluation Criteria – Findings: To assure the proposed development meets the intent of this section for mixed-use development, the following findings shall be made prior to approving a mixed-use project.

- 1) **Community integration:** The development integrates into the existing community and creates an appropriate internal and external human scale, providing for pedestrian comfort and amenities.
- 2) **Building and site layout:** The building and site layout is adaptable and would permit future changes in land use over time. Each use is designed and positioned to achieve its maximum potential so that they perform as a whole and benefit from one another. An efficiently functioning infrastructure (i.e., parking, services, utilities, and effective mechanical, electrical, and structural systems) is incorporated in the design of the development capable of servicing each component of the development's differing demands.
- 3) **Land uses:** The land uses provided by the development are compatible with one another and with the adjacent neighborhood. The commercial uses are those which would serve the residents of the development and the neighborhood. In addition, the project includes amenities and attractions that cannot be provided in single-purpose projects, such as interesting people-oriented spaces and a public realm that can capitalize on the synergy of diverse uses.
- 4) **Pedestrian-orientation:** The development is able to provide a safe and well-organized pedestrian access within the site and to relevant adjacent areas. All portions of the development are accessible by a direct, convenient, attractive, and comfortable system of pedestrian facilities.
- 5) **Open and Public Spaces:** The development provides usable public and private open space, and recognizes and responds appropriately to adjacent existing or planned public spaces (e.g., parks, civic buildings, transit stops, sidewalks, plazas, and similar spaces).
- 6) **Parking:** The development minimizes the amount of land developed as surface parking including implementing measures which reduce the overall the amount of parking needed for the development, such as but not limited to, joint-use parking and access to public transit. Parking areas have been located where they can be accessed safely and without difficulty from the street and within the development. ~~On-site In addition, the parking areas are~~ is designed in such a way that it does not dominate street frontage nor interfere with pedestrian areas. ~~In addition, on-street parking is located in proximity to the retail component of the development.~~

(h) Reviewing authority:

- (1) Zoning Administrator. A zoning administrator permit shall be required when any of the following conditions are present and involve uses which are expressly permitted for the district or which requires a Zoning Administrator

permit. In the event that the proposed development is of such a magnitude or complexity, the Zoning Administrator may reserve the right to defer the review of the proposal to the Planning Commission or City Council.

- a. A mixed-use development wholly located in existing structures with a maximum number of 10 units, regardless of over-all project size; or,
- b. The overall project area is less than one-half (1/2) acre.

(2) *Planning Commission.* A conditional use permit shall be required when any of the following conditions are present.

- a. The mixed-use development includes a combination of existing and new structures with 11 units or more, regardless of the over-all project size; or,
- b. The overall size project area of mixed-use development is between one-half (1/2) to four (4) acres in size; or,
- c. Any of the before mentioned conditions in this subsection include uses which require conditional use permit approval as part of the development.

(3) *City Council.* A planned district shall be required for a mixed-use development when any of the following conditions are present.

- a. The mixed-use development is larger than four (4) acres in size; or,
- b. Regardless of the over-all project size:
  - (1) The development involves all new structures; or,
  - (2) Additional uses other than those uses which are expressly permitted or conditionally permitted are being requested as part of the development; or,
  - (3) Substantial modifications or deviations are being requested as part of the development.
  - (4) Requests for increases over the threshold FAR.
  - (5) Projects within the C-B-D.